

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

SUNWAVE GAS & POWER INC.,

Debtor In a Foreign Proceeding.

Chapter 15

Case No. 22-10491(JLG)

**ORDER**

On May 5, 2022, this matter came before the Court upon *Petitioner's Expedited Request for Provisional Relief Pursuant to Sections 105(a) and 1519 of the Bankruptcy Code* (D.I. 10) (the "Motion")<sup>1</sup> filed by A. Farber & Partners Inc. (the "Petitioner"), in its capacity as the duly authorized representative of Sunwave Gas & Power Inc. (the "Foreign Debtor") **in which the Petitioner seeks an order of the Court staying continued prosecution of the action pending against the Foreign Debtor and ONEnergy, Inc. ("OEG") in the Supreme Court for the State of New York, New York County, titled *Sunwave USA Holdings, Inc. and C Wave Power & Gas, Inc. v. Sunwave Gas & Power, Inc. and ONEnergy, Inc.*, Index No.: 650988/2022 (the "NY Action") [JLG], and upon review and consideration of the *Limited Objection to Petitioner's Expedited Request for Provisional Relief Pursuant to Sections 105(A) and 1519 of the Bankruptcy Code* [ECF No. 15] filed on behalf of the plaintiff in the NY Action, and upon consideration of the [JLG] arguments of the parties for and against the Motion as presented at the hearing on the Motion on May 5, 2022, and as set forth in related briefs and supplemental briefs, and after due deliberation and cause shown,**

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is denied **to the extent set forth herein [JLG]**.

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<sup>1</sup>Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

2. The ~~action against the Foreign Debtor and ONEnergy, Inc. (“OEG”) pending before the Supreme Court for the State of New York, New York County, titled *Sunwave USA Holdings, Inc. and C Wave Power & Gas, Inc. v. Sunwave Gas & Power, Inc. and ONEnergy, Inc.*, Index No.: 650988/2022 (the “NY Litigation”)~~ NY Action [JLG] is permitted to continue against both the Foreign Debtor and OEG and such action is not stayed as a result of the commencement of the above-captioned chapter 15 case. ~~The plaintiffs in the NY Litigation stipulate and agree that a~~ Any [JLG] judgment entered against the Foreign Debtor in the NY Litigation will not be enforced against the Foreign Debtor’s **property and [JLG]** assets located in the United States. For the avoidance of doubt, nothing in this order stays or limits the enforcement of any judgment entered against OEG in the NY Litigation.

Dated: May 27, 2022

New York, New York

/s/ *James L. Garrity, Jr.*

Honorable James L. Garrity, Jr.  
United States Bankruptcy Judge